

UNITED STATES BANKRUPTCY COURT

FOR THE

EASTERN DISTRICT OF VIRGINIA

Alexandria Division

In the Matter of:

BRIAN ALLEN WALLAESA

Debtor

Chapter 13

Case No. 14-13730-RGM

OBJECTION TO CONFIRMATION OF PLAN,
NOTICE OF OBJECTION TO CONFIRMATION OF PLAN
AND
NOTICE OF SCHEDULED HEARING ON THIS OBJECTION

Thomas P. Gorman, Chapter 13 Trustee, has filed this objection to confirmation of your Chapter 13 Plan filed October 21, 2014. The cause for this objection is as follows:

Violation of 11 U.S.C. §1325(a)(6) – Feasibility & 11 U.S.C. §1325(a)(3) – Good Faith

- Debtor's Schedules I & J show negative net monthly income of \$1,465.04 per month. Debtor does not have the ability to sustain any Chapter 13 Plan payment as more fully set forth in Trustee's Motion to Dismiss and evidenced by the fact that Debtor was only able to make one \$50.00 Plan payment in his prior Chapter 13 Case (Case No. 14-10056-RGM) during the six months that case was pending.
- Debtor has not filed a Form B22C in this case.
- The Plan does not provide a dividend for unsecured creditors under Section 4 of the Plan.
- The Plan lists Nationstar Mortgage under Sections 5A, 5B, and 5C but does not provide an estimated arrearage claim to be cured under the Plan.
- Debtor has not disclosed in his Schedules and his Plan does not provide for the second deed of trust held by Green Tree Servicing, who filed a Proof of Claim in Debtor's prior Chapter 13 case (Claim No. 2).
- The Plan does not provide for the priority claims listed on Schedule E for the IRS, U.S. Court of Appeals, Virginia Department of Taxation, Prince William County, City of Alexandria, Circuit Court of Fairfax, and Town of Vienna. Several of these creditors filed Proofs of Claims in Debtor's prior Chapter 13 case.

Notice of Objection To Confirmation

Brian Allen Wallaesa, Case # 14-13730-RGM

- The proposed Plan payments of \$50.00 per month for 36 months, for a total Plan funding of \$1,800.00, is insufficient to adequately provide for Debtor's known secured and priority debts based on the claims filed in Debtor's prior Chapter 13 case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not wish the court to grant the relief sought in the objection, or if you want the court to consider your views on the objection, then on or before five business days prior to the hearing date, you or your attorney must:

File with the court a written response with supporting memorandum as required by Local Bankruptcy Rule 9013-1(H). Unless a written response and supporting memorandum are filed and served by the date specified, the Court may deem any opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing. If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above. You must mail a copy to the persons listed below.

Attend the hearing to be held on December 10, 2014 at 11:00 a.m., in Courtroom 1 on the 2nd floor, United States Bankruptcy Court, 200 South Washington Street, Alexandria, VA 22314. If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.

A copy of any written response must be mailed to the following persons:

Thomas P. Gorman
300 North Washington Street, Ste, 400
Alexandria, VA 22314

Clerk of the Court
United States Bankruptcy Court
200 South Washington Street
Alexandria, VA 22314

If you or your attorney do not take steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: November 5, 2014

/s/Thomas P. Gorman

Notice of Objection To Confirmation

Brian Allen Wallaesa, Case # 14-13730-RGM

Thomas P. Gorman
Chapter 13 Trustee
300 N. Washington Street, #400
Alexandria, VA 22314
(703) 836-2226
VSB 26421

CERTIFICATE OF SERVICE

I hereby certify that I have this 5th day of November, 2014, served via ECF to authorized users or mailed a true copy of the foregoing Objection to Confirmation, Notice of Objection and Notice of Hearing to the following parties.

Brian Allen Wallaesa
Chapter 13 Debtor
11272 Wortham Crest Cir.
Manassas, VA 20109

____/s/ Thomas P. Gorman_____
Thomas P. Gorman